

**Remarks/Arguments**

In the Office Action, the Examiner objected to the abstract on the basis that it contains legal phrasology, such as "means" and "said", for example at line 10. In response, the Applicant has substituted the word "the" for the word "said" at line 10. The abstract is now believed to be in acceptable form.

Claims 1-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Paul (U.S. Patent 7,051,080 B1) in view of Saulpaugh et al. (U.S. Patent 7,010,573 B1). Applicant respectfully traverses those rejections, for the following reasons.

**1. Claims 1-6, 13-16 Not Obvious under 35 U.S.C. §103(a)**

To establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142.

The Applicant submits that the *prima facie* case of obviousness has not been established for claims 1-6 and 13-16 because there is no suggestion or motivation to modify the references or combine reference teachings in the manner suggested by the Examiner.

At page 3 of the Office Action, Examiner states, in respect of claim 1, that Paul fails to explicitly teach a representation of a text file defining: a format of network messages for exchange of data generated by said application, but suggests that this claim feature is disclosed in Saulpaugh et al. The Examiner states that it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references "to provide a representation of a text file defining a

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format of network messages for exchange of data as disclosed by Saulpaugh et al. because it would enable the mobile device capable of communicating among network clients and services."

In response, the Applicant submits that one of ordinary skill in the art would not combine the references as suggested, as doing so would be entirely contrary to the approach of the Paul reference. Moreover, because combining the references would needlessly increase wireless network traffic and possibly increase transmission costs, the suggested combination would be avoided.

Paul is understood to be concerned with making network-based services readily available to a wide range of mobile devices, which may have limited resources (see Paul, 3:34-47). In the exemplary system disclosed by Paul, a mobile applications server 110 hosts one or more applications 116 that can be accessed by a mobile device 101 by way of a network 108 and wireless link 106 (see Paul, 5:57-59 and FIG. 1A). The applications 116 communicate indirectly with the mobile device through an intermediary mobile interactions server 150, which generates data, e.g. in the form of a textual markup language document, that describes one or more graphical elements (a "page") for display on the screen of the mobile devices (see 7:39-42, 9:53-57; 32:12-21). The Applicant can find no evidence that any other type of information is transmitted to the mobile device 101. Accordingly, the markup language document received by the mobile device is understood to contain only graphical element/page information. This is consistent with Paul's strategy of implementing the (possibly complex) logic that determines mobile device "page" content at the mobile applications server 110 rather than at the mobile device (7:11-26). This is understood to permit mobile device 101 to act as a "dumb device" which merely displays the pages sent to it by the server 110 and reports back any keys pressed by the user (4:19-23; 9:63-10:2). The screen content that is sent to the mobile device 101 is sent in a known format, such as HDMI, VoxML or WML (9:20-27). This is advantageous because mobile devices may be preprogrammed to be able to understand these formats.

Given this operation, it would be illogical for Paul to be combined with *any* reference that suggests that the textual document received by the mobile device should contain, in addition to screen layout and content information, "a format of network messages for exchange of data generated by said application". The reason is that Paul already uses "markup languages tailored to types of mobile devices", such as HDML, VoxML or WML, (which the devices already understand), for this purpose (9:20-23).

The Examiner's attention is drawn to term "said application" in the relevant portion of claim 1 ("a format of network messages for exchange of data generated by said application" [emphasis added]). The point is this: what is at issue here is not the exchange of data generated by any application, but rather the exchange of data generated by said application, i.e. the application executing at a computing device whose data is presented at a remote wireless device. It is clear that the Examiner considers application 116 (see Paul 6:53-57, as cited by the Examiner) to be the "application" of claim 1. So what is at issue is whether Saulpaugh et al. suggests receiving, at the wireless device, a representation of a text file defining a format of network messages for exchange of data generated by application 116 of Paul. As noted above, Paul already has an approach for presenting that application 116 at the wireless device: it uses "markup languages tailored to types of mobile devices" for this purpose. The introduction of a new message format is therefore unnecessary.

Based on the foregoing, it is clear that inclusion of message format definitions in a text document received by the mobile device 101 of Paul would be wasteful of device resources (e.g. memory), because the definitions are not needed by the mobile device in order to present application data. Moreover, the unnecessarily included message format descriptions would needlessly consume wireless bandwidth when the text document is transmitted to the wireless device. This may disadvantageously increase costs in the case where a service provider charges for wireless service based on the amount of data transmitted.

For all of these reasons, the Applicant submits that one of ordinary skill in the art would not combine the references as the Examiner suggests. Accordingly, the Applicant

submits that a *prima facie* case of obviousness has not been made in respect of claim 1. Withdrawal of the rejection of this claim, and all claims dependent therefrom (i.e. claims 2-6), is therefore respectfully requested. As well, withdrawal of the rejection of claim 13, which was rejected for the same reasons as claim 1, and claims 14-16 depending therefrom, is also requested, on the same grounds.

2. Claims 7-12 Not Obvious under 35 U.S.C. §103(a)

The Applicant submits that the *prima facie* case of obviousness has not been established for claims 7-12 because two of the three above-noted requisite criteria have not been met. In particular, the prior art references do not teach or suggest all of the claim limitations, and there is no suggestion or motivation to modify the references or combine reference teachings in the manner suggested by the Examiner.

(a) *Prior Art References Do Not Teach Or Suggest All of the Claim Limitations*

Claim 7 recites, in part, “a wireless mobile device comprising: a processor; [and] computer readable memory in communication with said processor, storing virtual machine software controlling operation of said device ...” [emphasis added]. At pages 4-5 of the Office Action, the Examiner suggests that Fig. 1, #101 of Paul discloses a wireless mobile device, and that Fig. 1, #110 discloses a processor and computer readable memory in communication with said processor storing virtual machine software controlling operation of said device. Moreover, the Examiner suggests that Fig. 1, #112 discloses a parser for receiving a text file.

However, as argued in the previous Office Action response, close examination of Paul reveals that reference numbers 101 and 110 of Fig. 1A (which is understood to be the Figure intended by the Examiner’s label “Fig. 1”) refer to different devices. In fact, reference numeral 110 of Paul does not refer to a wireless mobile device, but rather refers to a separate mobile applications server (5:26-32). Reference numeral 112 refers to a portion of the mobile applications server (8:21-22).

The Examiner also suggests that various features of the server 110 of Paul somehow comprise the (distinct) mobile device 101. For instance, it is suggested that Paul at Fig. 1 and 9:32-35 (describing XML converter 112) teaches a parser for receiving a text file [at the wireless communication device], and that Paul at 6:63-67 and 7:1-10 teaches a screen generation engine, for presenting at least one screen at said wireless mobile device in accordance with said text file. Of course, these features cannot comprise the wireless mobile device 101, as they are part of a distinct device 110, which is not a mobile device.

The Examiner further suggests, at page 5 of the Office Action, that certain features not found in Paul, namely "object classes corresponding to actions to be taken by said (sic) in response to interaction with said at least one screen, object classes corresponding to a data table for storing data at said wireless mobile device an object class corresponding to a network message to be received or transmitted by said mobile device", are disclosed in Saulpaugh et al. at 21:40-67 as "message gate code". However, the cited portion of Saulpaugh et al. reveals nothing as to the composition of "message gate code." Moreover, no basis for concluding that "message gate code" inherently includes the above-noted claim elements is provided. Accordingly, the above-noted claim elements too are not taught or suggested by any of the cited references.

*(b) Lack of Suggestion or Motivation To Modify References or Combine Reference Teachings*

In the subsection (a) above, the Applicant sets forth its basis for concluding that Saulpaugh et al. do not in fact disclose, at 21:40-67, "object classes corresponding to actions to be taken by said (sic) in response to interaction with said at least one screen..."

Even if the above-noted claim feature(s) were disclosed in Saulpaugh et al., the Applicant submits that one of ordinary skill in the art would not combine the references as suggested because doing so would be contrary to the approach of the Paul reference.

The strategy of Paul is to implement the logic that determines screen content at the mobile applications server 110, not at the mobile device 101. The rationale for this approach is described above.

Nevertheless, the Examiner suggests that a person of ordinary skill in the art would combine Paul with Saulpaugh et al. to introduce, at the wireless mobile device, various types of object classes corresponding to, e.g., actions to be taken by the wireless mobile device in response to interaction with said at least one screen.

The Examiner's attention is drawn to a section entitled "Processing User Actions as Events" in Paul (starting at 29:7), which describes what occurs when a user presses keys at mobile device 101. Notably, it is stated that "each key pressed is communicated to the server as a request message" (Paul, 29:25-26). Thereafter, processing of the user action is performed at the server rather than at the mobile device (see numerous steps of FIG. 2C, beginning with step 221, referring to the invocation of event handlers at the "state machine", which is resident at the server as shown in FIG. 1D at 154b, and corresponding description at Paul 29:38 – 33:22). This is consistent with Paul's implementation of the logic that determines screen (page) content at server 110.

Given this operation, in which actions to be taken in response to user interaction with a screen are determined at the server 110, it would be illogical to introduce, at the wireless mobile device, various types of object classes corresponding to actions to be taken by the wireless mobile device in response to interaction with said at least one screen, when this is already handled at the server. The illogic of this approach is especially noteworthy given Paul's concern with leaving "room in the limited memory of the mobile device" (4:19-23). Thus, one of ordinary skill in the art would not combine the references as the Examiner suggests.

### (c) Conclusion

For the above reasons, the Applicant submits that a *prima facie* case of obviousness has not been made in respect of claim 7. Withdrawal of the rejection of this

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claim, and all claims dependent therefrom (i.e. claims 8-12), is therefore respectfully requested.

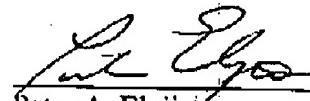
3. Closing

Based on the foregoing, it is believed that all of the pending claims of the present application are in fact compliant with 35 U.S.C. §103(a). Early favorable reconsideration of the application is therefore earnestly solicited.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to our Deposit Account No. 19-2548.

Respectfully submitted,



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